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AN
ORATION
ON THE
REAL NATURE AND VALUE
OF THE
AMERICAN REVOLUTION;

DELIVERED IN CINCINNATI,
BEFORE
Citizens of all Races, Sects and Parties,

ON THE
FOURTH OF JULY, A. D. 1855,

BY CHARLES ANDERSON.

PUBLISHED BY THE COMMITTEE OF ARRANGEMENTS.

CINCINNATI:
C. F. BRADLEY & CO., PRINTERS, 147 MAIN STREET.
1855.

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1867

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ADDRESS.

FELLOW COUNTRYMEN:—

As we meet to celebrate a most famous event, I propose to you now, after the lapse of almost eighty years, that we shall all calmly consider what has been, to ourselves and to mankind, *its real value*. And this (contrary to usage on these occasions) I propose to do, by a simple and practical comparison of what the *Colonies* were or would now have been, if that event had not occurred, and what the UNITED STATES have become in consequence of it. The customary course of Addresses on this day has been a historical review of the contest itself, mingled with philosophical reflections upon the natural and social rights of man, and glowing eulogies of our Revolutionary Fathers, and, sometimes, of ourselves. I leave this beaten track, not because it is beaten; for its universality only bespeaks, (what is the truth) that such a treatment of the subject is both natural and proper. Nor, ought it ever to become wearisome to the ears of Americans. Such meditations, like the prayers of infancy, like the songs of home, never can grow stale. However brief, and simple, and rude in form they may be, they are full to bursting, with deep thought and ardent emotions.

My reasons for pursuing this humble walk, instead of essaying these ærial flights, were, first—that the suddenness of the notice prevented more serious preparations, but chiefly, because I do earnestly believe, that a more every-day sort of an examination of the incontrovertible facts of this comparison, has been too long neglected.

What, then, my fellow countrymen, *have been, what are, and what shall be the result, to Americans and to Mankind, of*

the American Revolution? Let us proceed to examine as much of these momentous questions, as our time will permit, in the most plain and practical way, without any of the bias of that enthusiasm, natural to the occasion; but with that stern and most brave impartiality of mind and feeling which become a consideration of simple facts, when submitted to the simple judgment. For I am not one of that class of patriots or philosophers, who believe that any rights, or principles, or results are too precious in their value, or too sacred in their origin, for us to attempt an appraisement and practical contemplation of them. Nor, as you shall observe, am I, as an American, upon its National Anniversary, at all afraid of this method of estimating those of our Nation.

Upon the 4th of July, 1776, the American *Colonies* of Great Britain, of which I have spoken, numbered thirteen. The *United States* (themselves the first immediate and most grand result of the Revolution,) have become thirty-one in number. To us this increase has become so familiar, like a great many wonderful things in the same condition, as to excite no surprise, not even to be suggestive of reflection. This mere fact, however, would well bear grave deliberation, and lead to far future and most valuable conclusions.

Then; the *surface of territory* owned by the Colonies including Maine and Vermont, but not the Western lands, (for the charters were too vague for reliance, and England had no title from the Indians,) contained about 389,641 square miles. Now; our possessions in land, obtained by purchase and conquest, amount to 3,260,073 square miles.

In other words, we have acquired nine times as much territory as the Colonies at that time contained, and its area exceeds all Europe by 467,073 square miles. What may be the ultimate effects upon our moral and political condition, of this amazing increase of our territorial surface, it might be difficult to conjecture. But as a physical result, and according to the opinions prevalent in the world, no one will deny them to be most novel and stupendous.

Then; the *population* of the Colonies (which had been mainly seduced hither by the special privileges and bounties of royal charters, or driven here by religious persecution and tyranny,) was about 3,000,000. Now; we have a population of more than 24,000,000; or we have multiplied our population more than eight fold. And, so far as the immigrant portion of the latter body is concerned, they were attracted hither only by their free choice of our country and its institutions. Of this entire population, it is variously estimated that, from eight up to fifteen millions, are either foreign born or the children of foreign born parents. So that without this source of population, and if we had depended only upon our Revolutionary stock and its natural increase, our present population would have been now from sixteen down to nine millions.

What would have been, in that case, the physical consequences,—in the settlement of our states, towns and cities, and upon our public works—in the productions from our forests, fields, and factories—in our intermediate history and present rank as a military and naval power,—it were a vain effort for me here to investigate. Doubtless, any approximation to the truth of these differences would amaze you all, the more profound thinkers amongst you far the most.

Whatever may be the just and reasonable limit of that population, which can be protected and blessed by a single government of this form—whether considered abstractly or relatively to our extent of lands, our almost isolation from the civilized world, (across oceans and on another continent,) our lot in this particular era of the world's history in civilization, etc.—I shall not here and now discuss. I presume few will conclude, that we have, by any means, as yet filled our complement of numbers, either for purposes of peace or war. In war, our numbers must bear some proportion to the class of nations, with which we shall most probably contend in arms. And to a nation, as grasping and belligerent as ours, (especially in its native population,) and with such

European nations as we have heretofore battled, and may hereafter contend with, no wise statesman will deny, that *numbers is strength!* More than this—in the arts of peace, (for peace hath her victories as well as war,) a nation cannot possess that variety of productions and pursuits, which is essential to the true development of civilization, as well as to the highest and widest prosperity and happiness of her individual citizens, without a large population. This is an abstract truth. But when we come to consider one particular condition of things, affecting us peculiarly, viz.: that the public wild lands, belonging to the General Government, covered an area of 1,584,000,000 acres, and that about one-fourth only of this has been sold, we discover an influence greatly disturbing and modifying any abstract theory of republican or federative governments. If, for example, we set off against those portions of them, which have been sold and settled, the immensely greater bodies of private lands in all our States, which are still wholly out of use or enjoyment, we shall still find left, to be populated and civilized, an area equal to this *inconceivably vast domain!* Now, what countless millions of human beings, with all their highest intelligence and by all their most active arts and energies, are there not indispensable, to gather the neighborhoods; to form the societies; to organize the territories; to found the states; and to build and establish all the farms, villages, towns, and cities, with all their roads, turnpikes, bridges, canals, railroads, schools, colleges, churches, and all the other innumerable mental, moral, social, and legal incidents of civilized life? Surely, no man can believe that our nation is within centuries of a repletion. Why, this body of land is, if my figures do not deceive me, 2,475,000 square miles. It is larger than the empire of Russia in Europe; and more than twice as large as France, England, Ireland, Scotland, Austria and Prussia—all put together! I suppose that five centuries of such immigration as we have had in our greatest years in that trade, would not sufficiently populate it for

the general welfare. To exemplify this last remark—provided the world could supply the hives or fountains, for human beings so to swarm or inundate—I believe that if the State of Ohio contained five times its present numbers, of the same sort as the present population, we should all be the more prosperous and happy for the increase.

Upon the other aspects of this subject—its moral and social views—I shall say but little; because I do not wish to give unnecessary offence, to any persons whomsöever, on this day. I will only remark, that, if it is a right of civilization to occupy wild surplus lands, the Europeans of the present age have just as much right to possess themselves of our *surplus* domain, as our European fathers, of an earlier date, had to settle upon those of the Indians. And if the public policy of the Government *ever* needed an immigrant population to settle and civilize its wildernesses, it has more want of it now, because we have more public domain, (even in proportion to our population,) than we had at the adoption of the Federal Constitution. I am, therefore, as I always have been, decidedly in favor of their coming, and when they shall have come, of our treating them with a hearty welcome, as men and Christians. I consider the harm they have done to my party—angry as they have often made me when I was a partizan—as far below their benefit to the whole country. And, in addition to all this, it is unwise to attempt to do a vain thing. In a republican government, we could neither prevent their coming, nor abridge the privileges of those who shall come. The former would be unconstitutional, or, at least, against the spirit of a republican government; the latter is acting against all the probabilities of the real state of parties and opinions, even among the native Americans, and if there were no other voices to be considered.

Of the religious aspect of the subject of immigration, I shall say as little. *First*, because I know myself unfit, properly, to treat that general question. *Next*, because I am here in a

representative capacity, and addressing the most opposite and even most antagonistic sectarian sentiments; and though many men will hear with calmness and good nature, political opinions the most adverse to those of their party, very few can listen without indignation to any allegations against the principles of their churches. So much more tenderly do we cherish this delicate flower of the soul, Religion, than its rougher and hardier growths. And *lastly*, my distinct and settled opinions of the spheres of government and of the right of religions, as institutions, (though I may be wrong,) are that, in its essential nature, human government is a purely secular or worldly concern, and can have nothing whatsoever, to do with religion, unless it be to let it alone, and to compel every citizen or subject to leave undisturbed that of every other. And my notion of religion is, that in its essential nature, it is so wholly spiritual, unworldly and sensitive to the rude touch of the palpable, tangible and gross materials and instrumentalities, of which governments are formed and with which they operate, as to be greatly shocked, if not wholly paralyzed, by any union or collision with them.

I will say however, (what can justly give no offence to any one) that I had supposed that all parties believed, that the *Christian* Religion had this superiority over all its predecessors—that it was to be propagated throughout the world by giving the Gospel free course; that it can make no difference whether we carry the Gospel, or Gospel principles, to the Gentiles, or lead the Gentiles to them; and, above all, that it was to be taught by its genuine apostles, by great meekness of spirit, by sweet mildness and persuasiveness of language and manner, and an ever active perseverance in good works and brotherly offices. And, whether this be the Christian method of self-propagation or not, this I do *know*, that in all *other* matters of conscience and of faith, it is the only system for success. Boldness and firmness in the defence of our principles especially, are noble mental and moral qualities. But denunciations, and epithets, and restraints

and invidious comparisons, can never either convert or secure the faith of the understanding or affection from the heart, to any *human* doctrine. You may scourge and chain the body and its limbs into formal obedience to your will; but, God be praised! the subtler and nobler nature of man—the human soul, though you can frighten, and wound, aye, lacerate it by unkind and cruel speeches and deeds, yet can you never drive it to your purposes or faith, or chain it from its own. From the darkest and deepest dungeons; between the thickest and hardest walls; under the sharpest and keenest scourgings; amid the slowest yet hottest fires, though the poltroon tongue of agonized flesh may utter the lying word of renunciation, or the coward hand of selfish craft may make the deceitful sign for pardon, none of these can reach or change the free thought within. Under them all, the soul and all its faculties are unchained, unscourged, unburnt, unmoved and unalterable in her faith. And from them all she can soar, in the flash of an eye-lid, forward through all space, or backward through all time.

To recur to our comparisons:—At that period, our foreign commerce exhibited an annual exportation of \$7,161,534, and an annual importation of \$8,907,372. Now; our exports exceed an average of \$220,000,000 per year, and our imports an average of \$200,000,000. In one respect, this immense increase of industrial products only exemplifies the former facts, from another point of view. But it will be seen that the increase of our trade is much greater, than in the ratio of our increase of population. Consequently; it also contains, within itself, an entirely additional and independent benefit, arising from our new institutions.

Then; we manufactured scarcely anything. Our productions were almost wholly agricultural, or from the fisheries and forests. Now; there is scarcely a fabric, or tool, or machine, too costly or complicated, too delicate or massive, in all the arts, for our ingenuity and enterprise not boldly to undertake and nobly to accomplish.

Then; our roads were the rudest and most natural highways, which a civilized people could use or endure. Now; as a nation, by the energy of the General Government, or of States, and through the enterprise of private corporations, it is no boast to say, that we have expended such vast sums of money in the completion of such great and so many turnpikes, canals, railroads, bridges, tunnels, harbors, lighthouses, public edifices and other works of internal improvement, that no nation, except England, and perhaps Rome, ever excelled them in numbers, beauty, or strength.

To pass, however, from the domain of physical results, (of which these remarks are scarcely full enough for an index to the volumes which I might say,) let us now, with like brevity and generalization, merely glance at specimens of our achievements in the higher spheres of mental, moral, social and of legal rights and results. For, be it distinctly understood, that all these departments of human life are wonderfully stimulated to development and consequent action, by national independence and even national pride. Few of you can have imagined, (unless you have had opportunities to have observed,) how a provincial and colonial state of dependency and uncertainty, humiliates the courage and overshadows the hopes of all its individuals, even in their personal improvement or private enterprises.

As *inventors*, for example, what was the character of our then population? It is scarcely credible, but notwithstanding the present seeming of our national character, that we take to invention and discoveries, as naturally as "ducks to water," and notwithstanding the fact that the exigences of a residence in a wild country should seem to have instantly started these capacities to work, you will look in vain for inventions, either of sufficient number or merit, to indicate that there was the germ of a nation of whittlers, carvers, turners, sawmakers, filemakers, and makers, in fine, of all instruments, machines and oddities, from apple-

tree combs and self-setting mouse-traps, up to wooden bacon hams, and steam mountain-borers! With a few and most obscure exceptions, our colonies were alike destitute of inventors and inventions.

No sooner, however, had the colonial chrysalis—

—“*Cabin’d, cribb’d, confined, bound in
To saucy doubts and fears,*”—

broke from its close and husky shell, and breathed the outer life of free air, and basked itself in freedom’s sunshine, than did those faculties spread their strong and glowing wings for their various and high careerings. And we now find a Franklin, with his lightning-rod, like another shield of Ajax, defying and turning harmlessly aside the swift and fiery thunderbolt; a Fitch, and Fulton, and Rumsey, (strangely enough, of all the world,) the three first, and independently of each other, the original inventors of the steamboat—an instrument of commerce and civilization which has doubtless advanced the world, by a century of progress and improvement in those departments; a Whitney, whose cotton-gin has not merely, as it is said, “been worth hundreds of millions of dollars to his country,” but has done infinitely more; it has supplied cheap clothing to hundreds of millions of the poor, naked and cold inhabitants of every country and clime of the world; a Morse, whose magic wire, quivering with its electric energies, with the speed of lightning, and the docility of the human breath and tongue;—across the continents, spanning its valleys and wading its rivers; diving under its lakes and seas; climbing or perforating its mountains; girdling the round globe, indeed far faster than she can spin upon her axle;—pulsates the thrilling messages of love to the trembling maiden, or the wail of her doom to an assembled nation.

Why, what a countless host of inventors and inventions, useful and ingenious—greatly, grandly useful, and quaintly ingenious—in all the arts of life, and in all the sciences, whether

of philosophy or of conceits, have we not devoted to mankind since we became a nation ?

In *literature*, the colonies had indeed produced Edwards and Dwight, great names in theology; and Barlow and Hopkins, very small names in poetry; and these were all. Whilst, since that period, the United States have given to all, and to more than all, who shall ever speak or read the English tongue, a Washington, Franklin, Hamilton, Marshall, and Jefferson; a Brockden Brown, Cooper, Irving, Paulding, Bancroft, and Prescott; a Halleck, Longfellow, and Bryant.

In the fine arts, the colonies *claimed* Benjamin West, whom Byron described, with very great bitterness and exaggeration, and with little taste and truth, as "*Europe's worst dauber, and poor England's best*;" and Copley, whose best work was certainly his great son, the Lord Chancellor Lyndhurst.

Since then, we have produced, amongst many others, in the art of miniature painting—Mallone, Hite, Wood, Officer, Dodge, Watkins, and Miller; in that of portraiture—Gilbert Stuart, Jarvis, Sully, Jewett, Inman, Page, Ingham, Baker, Elliot, Kyle, Buchanan Read, Soule, and Eaton; in historical painting—Alston, Trumbull, the Peales, Vanderlyn, Chapman, Rossiter, Huntington, Leutze, Beard, and Powell; in landscape painting—Cole, Doughty, Durand, Fisher, Cropsey, Church, Kensett, Frankenstein, Sontagg, and Whittridge; and in statuary and sculpture—Greenough, Crawford, Brackett, Brown, Clevinger, and, (above them all, the pride of his country, the admiration of Europe,) our own great Hiram Powers.

It is not too much to say, of any or all of these, that they are quite equal to their cotemporaneous classes of any country; and, in some of these branches of art, they will compare, most favorably, with the artists of the classic and palmy days of art.

In statesmanship and oratory, the Colonies had in the egg shell, or in the callow and downy state of subject life, Samuel and John Adams and Fisher Ames of Massachusetts; Benja-

min Franklin of Pennsylvania ; Patrick Henry and Thomas Jefferson of Virginia—but it was for the Revolution and for National Independence, to hatch and plume these and many more their equals, like young eagles, strengthened by the vital morning, for their swift and high flight, before the upturned face of the Earth, and into the open and blazing eye of the sun ! The United States have had not only these, but Washington, Hamilton, Madison, Jay and King ; John Quincy Adams, Calhoun, Webster, and our own “Great Western, Henry Clay”—names which, whether considered by the endowments of genius or the culture of education ; whether estimated by the standard of moral worth or mental power, will survive as long as fame shall descend by tradition, or as their works can be set and stand fixed in type. With the best and the greatest of the world’s noblest times and places let them stand, for perpetual comparisons. They, too, have passed *up* into history.

In war, the Colonies *divided*, were without heroes. They were defended as they were watched, by a foreign and hireling soldiery. But the *United States* have had “*the foremost man of all this world*”—General George Washington. And after him, in the Revolutionary armies, but with a long interval truly, the Lees, and Green, and Gates, and Morgan, and Wayne, and Allen, and Paul Jones, and Lafayette. We cannot on this day at least, forget Lafayette or France, to whom we and our children to the latest posterity, owe so very much.

In our subsequent wars and battles, we likewise commend to the historians of mankind, Jackson and Perry and Decatur and Stewart and Brown and Gaines and Taylor and Winfield Scott. If the world in her greenest and palmiest ages, in tent or field, in cabin or on deck, on land or sea, in the battle or before the breeze, can show wiser heads in council, steadier hands at helm, or braver hearts in fight than these, then has history forgotten or failed to make true record of them. Let Bunker Hill, Trenton, Monmouth, Germantown, Ticonderoga, the Cowpens and York-

town—let Chippawa, Lundy's Lane and New Orleans—let Palo Alto, Monterey, Buena Vista, Vera Cruz, Cerro Gordo, Chapultepec, Molino del Rey and Mexico, attest the civic wisdom and the warlike valor of our generals and their troops. And these are *all* the fruits, ripe and gathered for present enjoyment or for future seed, of *our Revolution*. They at least, are passed and recorded and sealed. History is safe as to *them* !

I omit all allusion to our systems of Education, not only because there is not time to particularize further on these topics, but because, although far in advance of England in the matter of free schools, we cannot boast ourselves in respect of education over other countries of Europe. Education is by no means what it might be, and with our advantages, what it ought to be in our country.

But there is a fountain from which all these qualities and characteristics and events must flow. What *were and are the respective privileges and duties of the Colonial and independent Americans* ? To say that those were under a monarchy and these are in a republic, does not truly and fully set forth the whole answer. In this case names are not things ; for there may be more personal freedom, and consequent individual and national prosperity and developement, under a monarchy, so called, than in a nominal republic. What in fact is the truth, in our instance ? Let us look into the public *laws* of these respective periods for our answer.

The colonies, in the first place, were a sort of wards in Chancery, to the parent government. They were minors, whose property and rights of property were under guardianship. Navigation laws prohibited colonial ships to court God's free breeze, and to plough God's open ocean, without a license from his anointed Vicegerent. Any British subject could freely choose his own pursuit and follow whatsoever channel of trade, his enterprise and whim might select, *provided* only, he was born and dwelt in the southern part of the Isle of Albion. But, if he were a North

American Colonist, an Irishman or Scotchman, he could only manufacture, export, or import, such commodities and navigate in such bottoms and in such directions, as might not compete with the interests of the elder brothers in these trades, at home. For centuries it had been the inherent right of Englishmen not to be taxed without representation, not indeed, except by their own representatives alone. It was discovered that the American colonists were not British subjects IN THIS SENSE. *They* could not only be taxed without their consent and against their expressed will, but for purposes not before known to the English laws, for purposes special and peculiar, though not beneficial to them ; and not merely to support large standing armies in time of peace, but to support armies, not for defence against their common enemies, but to subject and enslave themselves.

Your time and patience would fail me indeed, if I were to enumerate by the most general classifications, all the restraints and inequalities which distinguished the condition of the colonists and their brethren, British subjects, at home. But, we may be told, such *must be* the natural condition of *colonists*, as of all wards and minors. It was their own choice, that they immigrated hither, or were born here. Very well ! Let us look then, into that better condition, to which they might have aspired, by having returned to England or by having gradually attained such maturity of civil manhood, as might have justified the transplantation of the fullest and freest rights and privileges of British subjects, to this, the other side of the Atlantic. What were the constitutional and legal rights of British subjects at home, *before and on the 4th of July, 1776 ?*

I shall only ask your attention now to two of the many divisions which might be made of this question, *viz*: to the restraints upon the *natural rights of man*, in his relation to the outward world, to society and government, and upon his religious liberties. And let us see what regard the British laws *then* actually paid to a man's right to live; to go where and when he pleased ; to

think what he pleased, and to say and do what he thought; and to worship whatever God or Gods he pleased, at his own times and places, and in his own way.

We are very formally and solemnly, and as a great proof of the liberality and freedom of the Constitution of England, informed by its ablest expounder, Sir William Blackstone, that the language of the great charter is, "that no freeman shall be taken or imprisoned, but by the *lawful* judgment of his equals, or by the *laws* of the land"—1 *Blackstone's com.* 135. This immunity of Magna Charta would be, theoretically, something better, if every freeman could have had some infinitesimally small voice in making these laws of the land. His natural right to do this, depended at the time of our Revolution, upon his being the owner of a freehold estate, in the county, of some £20 or \$100, annual income, clear of all taxes. Nevertheless, these "laws of the land," which could so constitutionally restrain a man's natural liberties, may have been very good, although but few of the freemen had any voice in their enactment. Let us consider a small number of them, as specimens of the whole.

The State neither directly, nor indirectly, made the slightest provision for the education of the subject. Let us see how the British laws for ages after the *Magna Charta* treated ignorance, which by this and by other means, they themselves produced.

Until 1707, if two persons should have been guilty of the same theft—of a pocket handkerchief, for instance—the one who could not read, was put to death, by hanging, and the other, who could read, (and ought therefore to have known so much the better not to have stolen it,) was released, with a nominal or no punishment. This privilege of priests and afterwards of scholars, or such as could read, was called the "*Benefit of Clergy.*" The privilege in favor of scholars was never repealed until the reign of Queen Ann.

But long after the repeal of this absurd and pedantic test of reading, as a question of life and death, and long after our In-

dependence, "all clerks in order, were without any branding and without any transportation, fine or whipping, immediately discharged" for hundreds and hundreds of different crimes as high up and heinous as aiding and abetting in murder; and this, says the law, "as often as they shall offend." Again; "all lords of Parliament, and peers of the Realm, having places and voices in Parliament, (which is likewise held to extend to peeresses,) were discharged, without any burning in the hand, or imprisonment, or other punishment in its stead, for the same crimes and in the same manner as *real* clerks convict; but this is only for the first offence." But "*all* the commoners of the realm," formerly it had been, only those who could read,—“whether male or female, were, for the first offence of any one of these same crimes, burnt in the hand, or whipped, or fined, or sent to jail, or to the penitentiary, or transported for seven years, as the offence and disposition of the Judge might be.”—4 *Blacks.’ com.* 373, 374, 370. 371. For the second offence, the laymen were hanged. And actually the Duchess of Kingston, who was convicted of the crime of bigamy, was so discharged, free from all punishment whatever, on the 22d of April, 1776, only seventy-two days before our declaration of Independence, by the unanimous voice of all the judges in Parliament.—45 *London Magazine*, pp. 218, 389. If she had been an “*even Christian*” she would at that time have been sent to the penitentiary or transported to Botany Bay. A few years before, if she had been a commoner and also unable to read, she would have been put to death. So much for the miserable fictions of which the the English laws were stuck full, working the greatest injustice and hardship *between the different classes of the subjects.*

Let us look for a moment, now, into their humanity, and their due proportion to the offences committed, when they were not of those offences called “clergyable.” By the *Statute of 9 Geo. I, c. xxii*—“To hunt, wound, or steal any deer; to rob a warren,” (of one blind young rabbit, for example;) “or to steal

fish from a river or pond, or by gift or promise of reward to procure any person to join them in such unlawful act, all these are felonies without the benefit of clergy," (4 *Bl. Com.* p. 295,) and subjected the offender to death. But in the year of Grace, (4 *Geo. IV*, c. *liv*.) i. e., in the precious year of our Lord, 1823, clergy was restored to those awful crimes; and for stealing a jack salmon, no longer than your little finger, the British law no longer hanged a man, but only sent him to the penitentiary, or transported him for seven years for the first offence.

The *Statute of James*, c. *xxi*, allowed women who were convicted of simple larcenies under the value of ten shillings, to be publicly whipped, set in the stocks, or imprisoned. And this law, for whipping women, was not repealed until 1 *Geo. IV*, c. *xlvi*, in 1826.

"The punishment of stealing anything over the value of twelve pence is, at common law," (and was for years after the Declaration of Independence,) "regularly death; which, considering the great intermediate alterations in the price of money, is," says Blackstone, "a very rigorous constitution, and made Sir Henry Spelman complain, that while every *thing* was risen in its nominal value and become dearer, the life of man had continually grown cheaper." (4 *Bl. Com.* p. 239.)

The benefit of clergy was extended to a simple larceny, for the first offence; but for horse-stealing, or aiding in stealing a horse, or concealing him after the theft; for taking woolen cloth of any value off the tenters; or linens, fustians, calicoes, or other goods from the place of manufacture, which extends, in the last case, to all aiders, assisters, procurers, buyers, and receivers; for feloniously driving away, or otherwise stealing one or more sheep or other cattle, or killing them with intent to steal the whole or any part of the carcass, or aiding or assisting therein; for thefts on navigable rivers, above the value of forty shillings; for stealing a letter from the post; for stealing deer, fish, hares, and conies, (4 *Blackstone's Commentaries*, page 240,) were all

punished by the law and in fact, as well as in countless other similar and equally frivolous offences.

The laws in relation to insolvent debtors were almost as cruel and unnatural, though not so sanguinary. They were often legally subjected to the keenest indignities and sufferings of the body and mind, from the merest malice of their disappointed and enraged creditors; and many thousands of them have lived and died in prison for petty debts.

Let us now briefly see how they estimated human rights, when considered with reference to the king and his church.

“Natural allegiance is due from all men born within the king’s dominions, *immediately* upon their birth,” says the great commentator on British law. So early, in the subject’s life, begins the encroachment on his natural liberties! “Natural allegiance,” he adds, “is, *therefore*, a debt of gratitude; which cannot be forfeited, cancelled, or altered, by *any* change of time, place, or circumstance, nor by anything but the united concurrence of the legislature. An Englishman who removes to France or to China, owes the same allegiance to the king of England there as at home, and twenty years hence as now. For it is a principle of universal law, that the natural born subject of one prince cannot, by any act of his own—no, not by swearing allegiance to another—put off or discharge his allegiance to the former.” (1 *Bl. Com.* p. 370.) So great is the debt of gratitude due to the king of England, for his grace in permitting the infant-subject to be born within his realm! Such being the strength and length of the tie by which he is bound to the king, it may be well enough to learn with what tenderness the king repays this gratitude.

All the world knows the unimaginable horrors of the punishment of high treason under British law. In brief, and not to disgust you with minor particulars, it is, first, to draw the offender to the gallows on a hurdle; second, to hang him by the neck, and then cut him down alive; third, to take out his entrails, and burn them, while

he is yet alive; fourth, to cut off his head; fifth, to divide his body into four parts; sixth, to place his head and quarters at the king's disposal. This was the law of punishment for males, in cases of high treason, until the year 1814. Women, for all kinds of treason, (as well against their husbands as against the king,) were drawn and burnt alive. (4 *Id.* p. 92-3.)

Of what elements, (can you guess?) did this crime consist, for which a more than demoniac malignity could have invented a penalty so terrible? We have these specifications of what constitutes high treason: First, "To compass or *imagine* the death of our lord the king, of our lady his queen, or of their eldest son and heir." Under this head, one British freeman was executed, as above described, for saying that he would make his son heir of the *Crown*, being the sign of the house in which he lived; the other, a gentleman whose favorite buck the king killed in hunting, whereupon he wished it, "horns and all, in the king's belly." But we are gravely informed, that, after they were executed, "these were considered hard cases."

The second species of treason is, to "violate the king's *companion*, or eldest daughter unmarried, or the wife of the king's eldest son and heir—even with her full consent."

The third species of treason is, "to levy war against our lord the king, in his realm."

The fourth is, "to adhere to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere."

Fifth. "If a man counterfeit the king's great or privy seal, it is treason."

Sixth. "If a man counterfeit the king's money; or bring false money into the realm, knowing the money to be false, to merchandize and make payment with all."

Seventh. "The last species of treason is, if a man slay the king's chancellor, treasurer, or the justices of the one bench, or the other, justices in eyre, or justices of assize, and all other justices assigned to hear and determine, being in their places

doing their offices.” (4 *Id.* pages 77–85.) Still other kinds of treason have since been declared by statute; which it is not necessary to note. So much for the inhumanity of the laws to enforce this natural allegiance to the king.

Let us now ascertain what regard these laws paid to man’s natural right to worship God. Is it possible that I was wrong in supposing, that, in the nature of things, human governments have nothing whatever to do with religion? That the institution of human government is, in its essence, secular and temporal—not spiritual, or having reference to eternity? That religion must be an affair of each soul, and between each individual soul, and its God? That any enforced obedience or conformity to God’s law, is, in His eyes, no obedience or conformity at all? And, finally, that any exertion, by a State or any other extrinsic power, in favor of religion or the church, is not merely an unauthorised and illegitimate invasion of the rights of the individual man, who is put under restraint or punishment, but is a desecration of the religious principle, and a great injury really committed to the church itself, as an institution of *Religion*? All these are, I repeat, my opinions, whether they be the true theory of government and church, or not. And without pausing now to attempt, by discussion, to establish them, I shall proceed, in their light, to examine the state of the British law on these subjects, at the period of our Revolution.

It is unnecessary to speak at large of their enactments, which punish apostacy and heresy, although they violate these principles, by imprisonment, for denying the truth of the Holy Scriptures in the one case, and in the other for “teaching erroneous opinions, contrary to the faith and blessed determination of the Holy Church.” As an instance of the utter selfishness and tyranny of this whole system, a denial of the existence of God, and of the truth of the Holy Scriptures, was punished only by imprisonment for three years; whilst at the

same time the teaching of erroneous opinions, against the faith as determined by the Holy Church, of St. Henry VIII, (who was at once its founder and its head,) was punished by the heretic's being *burnt alive!* The virtuous and pious Queen Bess, burnt the last two Ana-Baptists, and James the First, the last pair of Unitarians. This penalty of burning heretics was repealed by *Stat. 29, Car. II, c. ix*; which, according to Blackstone, delivered the British "minds from the tyranny of superstitious bigotry, by demolishing the *last* badge of persecution in the English law." (4 *Id. p.* 48.) I proceed to demonstrate how well-founded this boast was.

This repeal took place in the year 1689. For one hundred years after that date, (perhaps now,) a law which was then on the Statute Book, (1 *Eliz. c. ii.*) punished "any minister who should speak in derogation of the Book of Common Prayer; and any person whatsoever who shall, in plays, songs, or other *open words*, speak anything in derogation, depraving, or despising of the said book, or shall forcibly prevent the reading of it, or *cause* any other service *to be used in its stead*, to be fined most heavily for the first offence; doubly for the second; and for the third, shall *forfeit all his goods and chattels*, and suffer imprisonment *for life*." These offences were called—"reviling the ordinances of the church." (4 *Id.* 51.) Similar, but milder laws were enacted against non-conformity to the worship of the church. And all these were in full vogue, when that author wrote, and our Declaration of Independence was made. But I must pass to other instances of bigoted intolerance and persecution by British law.

The *Corporation Act* forbids any one from being legally elected to any office relating to the government of any city or *corporation*, unless, within a twelvemonth before, he has received the sacrament of the Lord's supper, according to the rites of the Church of England, and at the same time to take the oath of supremacy and allegiance." And the *Test Act*,

directs all officers, and the military, to take the oath, and make the declaration against transubstantiation, in any of the King's Courts of Westminster, or at the Quarter Sessions, within six calendar months after their admission; and also within the same time, to receive the sacrament of the Lord's supper, according to the usage of the Church of England, and to deliver unto Court a certificate thereof, signed by the minister and churchwarden, and also to prove the same by two credible witnesses, upon forfeiture of 500 pounds, and disability to hold said office. (4 *Id.* 58-9.) Of the same nature is 7 *Jac. I, c. ii*, which permits no "person to be naturalized or restored in blood, but such as undergo a like test." Is not this a mockery of religious faith and of holy sacraments — a reward upon hypocrisy, and a heartless, faithless conformity, and a most horrible and cruel invasion of the consciences of those who are made to take them, and of the rights of those who refuse them? And yet the same author, who congratulates the British public that the "last badge of persecution in the English law *had been* demolished," announces these acts to be "two bulwarks erected, the better to secure the established church against perils from non-conformists of *all* denominations — infidels, turks, jews, heretics, papists, and *sectaries*."

Against Protestant Dissenters, a great number of severe disabilities and penalties had also been enacted and were in force, (though occasionally and upon most unconscionable conditions, suspended.) Amongst the conditions, upon which these severe penalties were removed, were the regular repairing, by Dissenters, to some congregation, certified to in the court of the *Bishop or Archdeacon*. And Dissenting teachers must subscribe *certain articles of religion*, specified in 13 *Eliz. c. xii*, or else by 17 *Car. II, c. ii*, they were both fined and imprisoned for teaching school. Another specimen of such toleration is, that "no mayor or principal magistrate must *appear* at any dissenting meeting with the ensigns of his office, on pain of disability to hold that or any other office." (4 *Id. p.* 53-4.)

But harsh as are all these violations of the genuine and *essential* principles of Religious Liberty, the natural right of every human soul, their ingenious severity is far exceeded in the legislation against Papacy. "Persons professing the popish religion, besides the former penalties, for not *frequenting their parish church*, are disabled from taking their lands either by descent or purchase, after eighteen years of age, until they renounce their errors; nor can they keep or teach any school under pain of *perpetual* imprisonment; and if they willingly *say* or *hear* mass, they forfeit, the one, two hundred, the other, one hundred marks, and each shall suffer one year's imprisonment." (4 *Id.* 53.)

These are but the tythe of like disabilities and penalties. And we are told by the same author, that "where these errors are also aggravated by apostacy or perversion; where a person is reconciled to the See of Rome, or *procures* others to be reconciled, the offence amounts to high treason." (4 *Id.* 56.) In brief; for not clearly understanding the difference between *transubstantiation*, (which the Romish hierarchy taught,) and *consubstantiation*, (which I think, the British hierarchy then taught,) a doctrine which no impudence of pretext can distort into any *danger* to any government or temporal institution;—a "British freeman" was disinherited of all his father's or his own property, and imprisoned for life.

Heaven forgive our stupidity! To this day, if I were to be hung and quartered for it, I cannot understand,—can any of you? the difference between *transubstantiation*, which represented the bread and wine to be in the sacrament of the Lord's Supper, *transubstantiated* into the body and blood of Christ, and the "consubstantiation" of Luther, or "the existence of the *real*, though not *bodily* presence of the *body* of Christ in the sacrament," as Calvin taught. And so, also, because a "British freeman" were *perverse* enough to become *reconciled* to the See of Rome, or to prefer it to the See of Canterbury or of York,

preferring, in his conscience, it may be, the red silk stockings of John Wiseman, (Cardinal,) to the black plush hose of John Bird Sumner, (Lord primate,) ; or because he honestly believed that the divine and exclusive right of ordaining preachers, to declare the gospel of salvation to men, by laying of hands on the backs of their heads, descended from St. Peter, by apostolic succession, through the elder electric chain of *Roman*, and not through the later of *London* Bishops—he was to be dragged over the rough stones of long streets to the gallows, to be hung and taken down alive, to be disemboweled, and to see his bowels burned by the common hangman ; and to be quartered, and his quarters and head, (for its stupidity, perhaps,) presented as reliques to his most sacred Majesty, St. Charles II. or perhaps St. George IV. the head of the Holy Church of the meek and lowly Jesus.

I might give you a long list of the punishments due to papish recusancy, or the crime of not *attending* the service of the *Church of England*. “These recusants are considered as persons excommunicated. They can hold no office or employment ; can keep no arms in their houses ; cannot come within ten miles of London ; can bring no suit at law ; can not, without license, travel above five miles from their homes ; can have no marriage, or burial, or baptism of their child by any other than by a minister of the Church of England ; if a married woman, she shall forfeit two thirds of her dower or jointure ; cannot be executrix or administratrix to her husband, nor take any part of his goods ; and during the marriage she may be kept in prison, unless her husband redeems her at the rate of £10 or \$50 per month, and the third part of his lands. And lastly ; as a feme-covert, may be imprisoned. So all others must, within three months after conviction, either submit and renounce their errors, or must abjure and renounce their native land ; and if they do not depart, or if they return without the King’s license, they shall be guilty of felony, and suffer death *as felons*, without the benefit of clergy.” (4 *Id.* p 57.)

“The remaining species or degree, viz: papish priests,”—pursues our great commentator on British law and freedom,—“are in a still more dangerous condition. For, by statute 11 and 12, *W. III. c. iv.* (in 1700, or eleven years after his repeal of the last badge of persecution in the English law,) any papish priests or bishops celebrating mass, or exercising *any part* of their functions in England, except in the houses of ambassadors, are liable to perpetual imprisonment. And by the statute 27 *Eliz. c. ii.*, not repealed by 29. *Car. II, c. ix.*, any popish priest, born in the dominions of the crown of England, who shall *come over hither* from beyond sea, (unless driven by stress of weather, and tarrying only a reasonable time,) or shall be in England three days without conforming and taking the oaths, is guilty of high treason; and all persons *harboring* him are guilty of felony, without benefit of clergy”—4 *Id. p. 57.* Of which laws the president Montesquieu, innocently remarks, that “they are so rigorous, though not of the *sanguinary kind*”—God preserve us all from that kind, then!—“that they do all the hurt that can possibly be done, in *cold blood.*” And all these laws were in full force long after the event which we now celebrate. It was against these laws, and such as these, that our forefathers rebelled. They were not even amended until 1791, or fifteen years after that event.

Such, then, my fellow countrymen, is a very limited and imperfect, though fair-minded statement, of the condition of the British laws, in reference to the rights of persons, on these subjects, at the time our fathers declared their independence of them. You observe, that I make no account of the horrid disorders, riots, conflagrations, assassinations and murders, by steel and by fire, which occurred under the raw-head and bloody-bones excitements, from the perjured invention of a popish plot, by Titus Oates, in 1678, and the many “no popery riots” which succeeded it. I have only spoken of the public laws and institutions of the Realm. They were the outbreaks of an insane and superstitious

furor of the people. We are, it seems, as likely to have them now and here, as they were then and there. I am ashamed to say, that neither the principles of the New Testament, nor of the Declaration of Independence, seem to have rendered our people any more wise or humane on such questions and occasions, than our fathers were, just two hundred years ago. The only new principles I know of, which can cure this evil of persecution and riots by mobs, is that of one Napoleon Buonaparte,—to sweep the streets in their whole lengths and breadths, by cannon balls and canister and grape shot. These are my ideas of religion, on the one hand, and government on the other. Human life is a precious thing in my eyes and heart. And therefore it is, that I would save the best of it, and as much of it as possible, by preserving it from the daggers, and colts, and revolvers, and firebrands of a lawless, drunken, infuriate, fiendish mob, ravening for blood and bespattered with brains. Aye, let the artillery if need be, sweep your streets from the canal to the river, and back again, from the canal to the Vine Street Hill. Let it spare no race, no religion, no party, no officer, no rank, no man, who is tumultuously engaged, under any pretext or cry, in the work of conflagration and murder! And, especially, let its most central, its most deadly aim be directed, point-blank and with the heaviest charges, against the demagogues of these riots—both pious and political! I am a man of peace, and not, alas! much given to prayer; but in such a case, how fervently could I supplicate the God of Armies for another “Rough and Ready,” to whisper to another Captain Bragg,—“a little more grape, sir!”

But, though I do not claim any improvement of the American people, either in the matter of lawless mobs or of National wars, I do claim that in the great and general matter of human government, and especially with reference to natural human rights,—both in temporal and spiritual affairs, that we have made infinite and most glorious progress. And now, on this anniversary of that day to which we owe all this, I submit to

your calm determination, that first question which I propounded to you:—Whether we have not gained greatly by that Declaration of Independence, and the victorious war which followed it?

I know very well what can and will be said in behalf of England;—that, bad as these laws were, they were yet as mild as any in Europe; that many of them were rarely put in force; that many of them have been since totally repealed, and all, which are unrepealed, have been humanized and ameliorated; and that England now stands in the van of all nations, except our own, (her fair daughter,) battling in war, and laboring in peace, in the cause of personal human rights and national and popular independence. I know it all. With many indispensable, and a few voluntary, and therefore most disgraceful exceptions, her individual subjects can now proudly compare their own present legal and constitutional rights with ours, or those of any other peoples, past or present. I have performed but inefficient work here if my purpose, in this parallel, can be construed into an assault on the English institutions and the English people, *as they are*. Nor do I mean to be understood as disparaging the present Church of England, of which, I confess, I know but little. And least of all must I be understood, in anything which I have said, as intimating the slightest reflection upon that Church, which, in our country, uses most of its ritual and services, but which has no other connection with it. As my subject required, I have spoken of the laws of England in 1776, as well concerning religious liberty as the Church of *England*, for which I have neither original nor inherited regard, without fear, favor or affection, whilst of the Episcopal Church of the *United States*, for which I have both, I have neither said nor intimated anything whatever.

I have indicated my estimate of the rank of England as a power. As a people—with all their institutions, good and bad, in my judgment and in my sympathies, but with a long inter-

val — England stands second to this, “my own, my *native* land.” Defeat and shame attend her, in all her contests with us; victory and glory lead and crown her, whenever and wherever she may battle with any *other* power or people! For—besides our kinship—being freer than they, she is better than them all.

But *why is it*, that the British laws have been improved, since our independence? It was solely *because* of our independence! It was that *impetus*, which the Declaration and Revolution of Freedom gave to the spirit of Freedom, through France, England, Germany, and the world, indeed; and more yet, by the proofs and examples which our *earlier* history showed, that liberty was not incompatible with order,—that tyranny and bigotry have been alike shamed into liberality and common sense. Let us claim, then, the present improved condition of England and the world, as the unquestioned fruits of our original Fourth of July; and that to mankind, as to us and our posterity, the results of that day *have been* most useful and glorious.

There remains, then, but one question for us to solve. What *will be* the result—to Americans and mankind—of these principles? It is not too much to say, that this solution depends wholly upon us of this generation. For this, indeed, seems to be the era of our national crisis. New doctrines and new practices in the administration of our government, and the conduct of our people, have seized upon both, and spread like the contagion of leprosy over the entire body politic. Strange ideas, and old, worn-out ideas in religion, philosophy and government—revamped and polished up *as novel*—are embraced and hugged with all the dotage of senile paternity or maternity, (as it may be, that some beardless boy, or some old woman of either sex shall fancy himself or herself to have begotten or conceived them.) And they are written and gabbled about, as if the human intellect, with all its varieties of faculties, and all the power of each, was only created for the nurture

and development of one *pet* idea. And as the world—like different groups of school-boys chasing their respective soap-bubbles, Iris-like and beautiful indeed, but only composed of thin air for their contents and a thinner film for their coverings—is divided into so many one-idead “isms,” so each “*Ism*” has its society, open or secret, with its Constitution and By-laws, and President and Treasurer and Secretary, and Board of Directors; or, if female, with the proper suffixes to indicate the sex, of the Presidentess and other officers. A baby has to be born, now, into the arms of a committee, and recorded by some Secretary with a corporate seal; it is christened by a chartered company; he is taught his A, B, Cs, by a Board of Trustees; is married by the Head of a Congregation; sympathises and distributes his charities through an Anti-Slavery Society, and a Relief Union; is nursed in sickness by a succession of lay sisters of one church or the other; and has his eyes closed and is taken to his grave, in charge of an association of brothers, who are privileged to mourn, by ordinance, with a society-banner draped in blacker crape than his natural sisters can wear, and a society brass band, outwailing the natural sobs of mother and wife. But, as *before* his birth, not Societies, nor Chapters, nor Orders, nor Leagues, nor Sodalities—but Nature only—had anything to do with his earthly being; so, may we trust, that, after his death and burial, he will arise from his sleep of centuries, and that he may be saved without the support or encouragement of any committee of them all! If these cliques thus continue to take to themselves all our men and women, and all our boys and girls, into their legions of organizations, the time will soon come, when a simple, natural, self-relying, self-developed individual man, will be so great an exception and curiosity, that some Napoleon-Buonaparte-Barnum will kidnap and exhibit him for a show to the rest of mankind.

Understand me! These things in themselves, and in

moderation, are all well enough. But, whilst you are all and severally, cherishing unduly your *favorite* thought or passion, and enslaving yourselves to this or the other "most important society," beware, lest you forget that you are a man and an American—a man by nature, and an American by birth or free choice. Remember, as a man, how many mental faculties, how many moral sentiments, make up your single being, all to be watched, developed, restrained and improved, in order to fulfil the precious trusts which nature, like rough diamonds, bestowed upon you to be polished. And as an American,—a national, *United States* American,—oh! do not forget how many privileges, and therefore how many various and arduous duties, you owe to the whole people, and to the General Government!

This is indeed a fearful crisis in the formation and preservation of a just public sentiment of *national loyalty*, by a people, whose sentiment is at once both law and destiny. Not merely are the individuals and populaces taking to themselves "other gods" for exclusive and fanatical worship, and forgetting their nation as a Whole Edifice, and their Union and Constitution as its material and cement, but organized States, through officers sworn first to fealty to that Union and Constitution, have publicly and deliberately forsaken their solemn trust. Of the three most patriotic and loyal States of the Revolution, two have ignominiously betrayed their posts. The Orator of History could once say, (and how nobly he did say it?) of Massachusetts—"There she is; behold her, and judge for yourselves. There is her history; the world knows it by heart. The *past*, at least, is secure." And the Orator of Prophecy did also say—"Where American Liberty raised its first voice; and where its youth was nurtured and sustained; there it still lives, in the strength of its manhood and full of its original spirit;—if *discord* and *disunion* shall wound it—if party strife and blind ambition shall hawk at and tear it—if folly and madness shall succeed

to separate it from that *Union*, BY WHICH ALONE, *its existence is made sure*—it will stand, in the end, by the side of that cradle, in which its infancy was rocked; it will stretch forth its arm, with whatever of vigor it may still retain, over the friends who gather around it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.”

Alas! for that prophet and prophecy. The breath of life and light of inspiration have alike passed from his lips and eye. He sleeps unhonored—aye, dishonored—in the cold bosom of his beloved Massachusetts, which had taught him to love the Union more than herself, and which, by word and work, he had so much honored and glorified. And, alas! alas!! for Massachusetts. Like another Israel, she has gainsayed the law and the prophecy of her own Moses. She is recreant to her own grand history. She is faithless to his sublime prophecy. The earliest and brightest Northern Star of the Revolutionary Constellation; she that circled the first glorious orbit in our national sky, humming, as she whirled upon her own axis, and hymning, as she wheeled in her sublimer course of Federal duties, with that “music of the spheres,” so still and silent to earthly ears, but so heavenly grand and sweet to the wide Universe, her Anthem-Harmony of—

“LIBERTY and UNION; ONE AND INSEPARABLE;
NOW AND FOREVER.”

That Star has, madly and wildly, dashed from her glorious sphere, and plunged, darkling, dimmed and degraded, after her sister—the lost Pleiad of the South—down into the midnight-abyss of Nullification.

What, then, my fellow-countrymen,—with such signs of the times,—shall be our national destiny? Clouds, dark and lurid, gather in all our sky, and, with their sombre shadows, checker

and blacken all our land. And, upon the far and future horizon, there rises, like the funeral pall of a nation, a yet deeper and blacker storm-cloud of pitchy smoke, threatening to overwhelm and bury us forever. I cannot pierce its murky gloom. But, beyond and around it, flickering faintly and dimly, but still fringing and illumining the edges of its dusky folds, the Eye of Faith and Hope sees, or trusts it sees, the day-spring of a calmer and brighter era. May Heaven speed its coming and its spread.

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